

**EMPLOYMENT APPEALS BOARD DECISION**  
**2019-EAB-0973**

*Affirmed*  
*No Disqualification*

**PROCEDURAL HISTORY:** On September 4, 2019, the Oregon Employment Department (the Department) served notice of an administrative decision concluding claimant voluntarily left work with good cause (decision # 84647). The employer filed a timely request for hearing. On October 8, 2019, ALJ Janzen conducted a hearing and issued Order No. 19-UI-137755, affirming the Department's decision. On October 10, 2019, the employer filed an application for review with the Employment Appeals Board (EAB).

**FINDINGS OF FACT:** (1) Jackson County employed claimant from June 25, 2018 to June 28, 2019 as a public health community outreach educator.

(2) Claimant's position entailed acting as a project coordinator to work with community partners to coordinate the activities necessary to fulfill the obligations for a public health modernization grant.

(3) When claimant began her position, the State of Oregon had granted the employer the funding for claimant's position for one year, from June 2018 to the end of June 2019.

(4) In May 2019, the employer offered to reassign claimant to a sex education position that might also include drug and alcohol abuse prevention educator duties. Based on her supervisor's description of the position to her, claimant understood that the position entailed going into schools and educating youth. Claimant was not trained as an educator, and the position was not in claimant's fields of expertise. Claimant had no training or professional experience teaching sexual education or drug and alcohol abuse prevention. Claimant held a master's degree in public health, and a master's degree in arts and psychology. She did not complete sex or sexual education classes to obtain those degrees. Claimant also held a Bachelor of Science in Psychology degree. Claimant took one class regarding sex for that degree, required for all students obtaining bachelor degrees. It was not a class regarding sex education. The reassignment had the same salary and "job classification" as claimant's position that ended in June 2019. Transcript at 18. Claimant did not accept the position described to her by her supervisor in May 2019.

because she did not have education or experience in the fields of sex, drugs and alcohol and public health, and she did not have experience as an educator.

(5) Before June 30, 2019, the employer and claimant did not know if the public health modernization program would fund claimant's position again. The employer was not willing to fund claimant's position after June 2019 with other resources. If claimant accepted the position offered to her in May 2019, the employer would not have automatically reassigned claimant back to a position within the modernization program if the employer received funding for that program in the future. The employer would have required claimant to apply for the position.

(6) On May 16, 2019, claimant gave the employer notice that she would quit work on June 28, 2019, the last business day in June. Claimant planned to quit work because her position would end that day, and the employer did not offer her other work that she was qualified to perform.

(7) On June 30, 2019, the employer learned that the State of Oregon had renewed the program that had previously provided funding for claimant's position, but it did not know what its future positions would be for 2019-2020, or when the funding would begin for those positions.

**CONCLUSIONS AND REASONS:** Claimant voluntarily left work with good cause.

A claimant who leaves work voluntarily is disqualified from the receipt of benefits unless they prove, by a preponderance of the evidence, that they had good cause for leaving work when they did. ORS 657.176(2)(c); *Young v. Employment Department*, 170 Or App 752, 13 P3d 1027 (2000). "Good cause . . . is such that a reasonable and prudent person of normal sensitivity, exercising ordinary common sense, would leave work." OAR 471-030-0038(4) (December 23, 2018). "[T]he reason must be of such gravity that the individual has no reasonable alternative but to leave work." OAR 471-030-0038(4). The standard is objective. *McDowell v. Employment Department*, 348 Or 605, 612, 236 P3d 722 (2010). A claimant who quits work must show that no reasonable and prudent person would have continued to work for their employer for an additional period of time.

Claimant faced a grave situation because the employer did not have funding allocated to continue paying claimant to perform her position after June 30, 2019. Nor did claimant or the employer know if or when in the future the employer would have funding for the position claimant performed until June 28, 2019. No reasonable and prudent person would have continued to work for their employer for an additional period of time without the assurance of payment.

The employer offered to reassign claimant to a different position in early May 2019. The record shows that the reassignment was not a reasonable alternative because the job was not suitable for claimant under ORS 657.190. ORS 657.190 provides that in determining whether any work is suitable for an individual, the Department shall consider, among other factors, "the degree of risk involved to the health, safety and morals of the individual, the physical fitness and prior training, experience and prior earnings of the individual, . . . and the distance of the available work from the residence of the individual." The job classification and salary for the offered position were the same as the position that was ending, and the new work was presumably in claimant's labor market area and did not create a risk to claimant's health or safety. However, based on the duties claimant's supervisor described to claimant in May 2019 for the sex education and drug and alcohol abuse prevention position, claimant determined

that she did not have the necessary training and experience to perform the position. The record shows that the new job had different duties and related to different areas of public health. The position required claimant to teach sex education to youth, and claimant had no training or experience in that regard. Nor did claimant have experience or expertise in public health, or the areas of sex education and substance abuse prevention. Accordingly, the work offered to claimant in May 2019 was not suitable for claimant based on her prior training and experience, and accepting that position was not a reasonable alternative to quitting when she did.

Claimant voluntarily left work with good cause and is not disqualified from receiving unemployment insurance benefits based on this work separation.

**DECISION:** Order No. 19-UI-137755 is affirmed.

D. P. Hettle and S. Alba;  
J. S. Cromwell, not participating.

**DATE of Service:** November 14, 2019

**NOTE:** You may appeal this decision by filing a Petition for Judicial Review with the Oregon Court of Appeals within 30 days of the date of service listed above. *See* ORS 657.282. For forms and information, you may write to the Oregon Court of Appeals, Records Section, 1163 State Street, Salem, Oregon 97310 or visit the Court of Appeals website at [courts.oregon.gov](http://courts.oregon.gov). Once on the website, use the ‘search’ function to search for ‘petition for judicial review employment appeals board’. A link to the forms and information will be among the search results.

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# Understanding Your Employment Appeals Board Decision

## English

Attention – This decision affects your unemployment benefits. If you do not understand this decision, contact the Employment Appeals Board immediately. If you do not agree with this decision, you may file a Petition for Judicial Review with the Oregon Court of Appeals following the instructions written at the end of the decision.

## Simplified Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Traditional Chinese

注意 – 本判決會影響您的失業救濟金。如果您不明白本判決，請立即聯繫就業上訴委員會。如果您不同意此判決，您可以按照該判決結尾所寫的說明，向俄勒岡州上訴法院提出司法複審申請。

## Tagalog

Paalala – Nakakaapekto ang desisyong ito sa iyong mga benepisyo sa pagkawala ng trabaho. Kung hindi mo naiintindihan ang desisyong ito, makipag-ugnayan kaagad sa Lupon ng mga Apela sa Trabaho (Employment Appeals Board). Kung hindi ka sumasang-ayon sa desisyong ito, maaari kang maghain ng isang Petisyon sa Pagsusuri ng Hukuman (Petition for Judicial Review) sa Hukuman sa Paghahabol (Court of Appeals) ng Oregon na sinusunod ang mga tagubilin na nakasulat sa dulo ng desisyong ito.

## Vietnamese

Chú ý - Quyết định này ảnh hưởng đến trợ cấp thất nghiệp của quý vị. Nếu quý vị không hiểu quyết định này, hãy liên lạc với Ban Kháng Cáo Việc Làm ngay lập tức. Nếu quý vị không đồng ý với quyết định này, quý vị có thể nộp Đơn Xin Tái Xét Tư Pháp với Tòa Kháng Cáo Oregon theo các hướng dẫn được viết ra ở cuối quyết định này.

## Spanish

Atención – Esta decisión afecta sus beneficios de desempleo. Si no entiende esta decisión, comuníquese inmediatamente con la Junta de Apelaciones de Empleo. Si no está de acuerdo con esta decisión, puede presentar una Aplicación de Revisión Judicial ante el Tribunal de Apelaciones de Oregon siguiendo las instrucciones escritas al final de la decisión.

## Russian

Внимание – Данное решение влияет на ваше пособие по безработице. Если решение Вам непонятно – немедленно обратитесь в Апелляционный Комитет по Трудоустройству. Если Вы не согласны с принятым решением, вы можете подать Ходатайство о Пересмотре Судебного Решения в Апелляционный Суд штата Орегон, следуя инструкциям, описанным в конце решения.

**Khmer**

ចំណុចសំខាន់ – សេចក្តីសម្រេចនេះមានផលប៉ះពាល់ដល់អត្ថប្រយោជន៍គ្មានការងារធ្វើរបស់លោកអ្នក។ ប្រសិនបើលោកអ្នកមិនយល់អំពីសេចក្តីសម្រេចនេះ សូមទាក់ទងគណៈកម្មការឧទ្ធរណ៍ការងារភ្លាមៗ។ ប្រសិនបើលោកអ្នកមិនយល់ស្របចំពោះសេចក្តីសម្រេចនេះទេ លោកអ្នកអាចដាក់ពាក្យប្តឹងសុំឲ្យមានការពិនិត្យរឿងក្តីឡើងវិញជាមួយតុលាការឧទ្ធរណ៍រដ្ឋ Oregon ដោយអនុវត្តតាមសេចក្តីណែនាំដែលសរសេរនៅខាងចុងបញ្ចប់នៃសេចក្តីសម្រេចនេះ។

**Laotian**

ເອົາໃຈໃສ່ – ຄໍາຕັດສິນນີ້ມີຜົນກະທົບຕໍ່ກັບເງິນຊ່ວຍເຫຼືອການຫວ່າງງານຂອງທ່ານ. ຖ້າທ່ານບໍ່ເຂົ້າໃຈຄໍາຕັດສິນນີ້, ກະລຸນາຕິດຕໍ່ຫາຄະນະກຳມະການອຸທອນການຈ້າງງານໃນທັນທີ. ຖ້າທ່ານບໍ່ເຫັນດີນຳຄໍາຕັດສິນນີ້, ທ່ານສາມາດຍື່ນຄໍາຮ້ອງຂໍການທົບທວນຄໍາຕັດສິນນຳສານອຸທອນລັດ Oregon ໄດ້ໂດຍປະຕິບັດຕາມຄໍາແນະນຳທີ່ບອກໄວ້ຢູ່ຕອນທ້າຍຂອງຄໍາຕັດສິນນີ້.

**Arabic**

هذا القرار قد يؤثر على منحة البطالة الخاصة بك، إذا لم تفهم هذا القرار، إتصل بمجلس منازعات العمل فوراً، و إذا كنت لا توافق على هذا القرار، يمكنك رفع شكوى للمراجعة القانونية بمحكمة الإستئناف بأوريغون و ذلك بإتباع الإرشادات المدرجة أسفل القرار .

**Farsi**

توجه - این حکم بر مزایای بیکاری شما تاثیر می گذارد. اگر با این تصمیم موافق نیستید، بلافاصله با هیأت فرجام خواهی استخدام تماس بگیرید. اگر از این حکم رضایت ندارید، می‌توانید با استفاده از دستور العمل موجود در پایان آن، از دادگاه تجدید نظر اورگان درخواست تجدید نظر کنید.

**Employment Appeals Board - 875 Union Street NE | Salem, OR 97311**  
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